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SUBJECT: DRL A/S KRAMER VISIT FOCUSES ON HUMAN RIGHTS
PROGRESS AND CHALLENGES IN COLOMBIA

Classified By: Political Counselor John S. Creamer. Reason: 1.4(b,d)

SUMMARY

¶1. (SBU) On August 20-21, DRL Assistant Secretary David Kramer visited Colombia to focus on human rights issues, extrajudicial killings, internally displaced persons (IDPs), and dialogue between civil society and the GOC. Prosecutor General Mario Iguaran and Defense Minister Juan Manuel Santos highlighted GOC progress in fighting impunity and improving security; human rights groups claimed the situation in the countryside has deteriorated since 2002. Human rights groups raised concerns that the extradition of 15 paramilitary leaders to the United States would undercut the Justice and Peace Law (JPL) process, but GOC officials said they have a commitment from the Department of Justice to facilitate access to the fifteen. UN High Commissioner for Human Rights (UNHCHR) official Jesus Pena told us preliminary reports show that Defense Ministry reforms to combat extrajudicial killings may be having an impact. End Summary.

PROGRESS HIGHLIGHTED/CONTINUED PROGRESS A MUST

¶2. (SBU) Prosecutor General (Fiscal) Mario Iguaran, Defense Minister Juan Manuel Santos and Vice Interior and Justice Minister Isabel Nieto (MOIJ) reviewed GOC progress in reducing murder rates, increasing investigations and convictions, improving the military's human rights performance, and protecting vulnerable individuals, and restoring land to victims. Iguaran, Santos and Isabel Nieto highlighted improved interagency cooperation and communication, especially on such issues as trafficking in persons, extrajudicial killings, and human rights prosecutions. Assistant Secretary (A/S) Kramer stressed that Colombia should be proud of its progress, but noted that more needs to be done. Further progress in prosecuting labor violence, implementing MOD Directives on extrajudicial killings, and supporting indigenous and Afro-Colombian communities is key.

¶3. (C) In a separate meeting with human rights groups, including the Comision Colombiana de Juristas (CCJ), Asociacion para la Promocion Social Alternativa (MINGA), Movimiento Nacional por los Derechos Humanos de las Comunidades Afrocolobianas (CIMARRON), Fundacion Restrepo Barco, and the Corporacion Colectivo de Abogados, human rights activists said the human rights situation has deteriorated since 2002, with increases in extrajudicial killings, political violence, and forced displacement. CCJ's Gustavo Gallon alleged that over 4000 people have been killed since 2002 by paramilitaries or state actors, adding that

human rights defenders face constant threats from criminal groups. MINGA'S Gloria Florez said President Uribe's criticism of the Supreme Court undermines the separation of powers, and urged the international community to support Colombia's judiciary. Juan De Dios Mosquera of CIMARRON called for affirmative action programs for Afro-Colombians.

¶4. (U) In contrast, Mario Gomez of the Fundacion Restrepo Barco stressed lowered murder rates, higher conviction rates under the new oral accusatory judicial system, and improvements in poverty levels as signs that the human rights situation is improving. He raised the issue of health care as a critical problem the state has not yet addressed, but stated that GOC policies seemed to be helping, not hurting, social welfare and human rights in Colombia.

¶5. (U) A/S Kramer highlighted USG assistance on human rights issues, including programs to strengthen the Fiscalia's Human Rights unit and forensic capabilities to identify bodies found in common graves. The latter is important to give closure to victims' families. These initiatives were well-received by the human rights groups, many of which work on victims' issues.

GOC - CIVIL SOCIETY INTERACTIONS NEED TO IMPROVE

¶6. (SBU) In all of his meetings, Kramer stressed that dialogue between the GOC and civil society is an essential part of democratic society. He urged the GOC to reach out to civil society to improve communication and overcome polarization. Santos and Iguaran agreed their institutions could do more outreach to civil society. Santos told A/S Kramer he had asked the UNHCHR to organize a meeting with human rights groups and the Minister in the near future. Nieto said the MOIJ is in regular contact with civil society, but agreed that communication could always improve.

¶7. (U) Human rights groups voiced frustration over their lack of access to GOC institutions, complaining that their comments and suggestions are usually ignored. They agreed that better communication would help improve the relationship, but said that as long as senior GOC officials (Presidential advisor Jose Obdulia Gaviria and President Uribe himself) continued to publicly accuse human rights defenders of terrorist or guerrilla links, relations would remain cool. In his meetings with GOC officials, A/S Kramer stressed the need to be more circumspect in rhetoric about NGO activists.

EXTRADITIONS REMAIN A CONCERN, BUT ACCESS WILL CONTINUE

¶8. (SBU) Human rights groups consistently raised concern that the GOC's extradition of 15 paramilitary leaders to the United States on narcotics charges would halt the Justice and Peace Law (JPL) process just when those para leaders had begun to cooperate with the judiciary. The extraditions would limit victims' access to the paramilitaries' testimony, undermining efforts to obtain truth and reparations. Iguaran agreed that the paramilitary leaders' testimony was critical to the JPL process, and said the Fiscalia has a commitment from the Department of Justice to facilitate access to them. He said it was too early to judge the access issue, since the para leaders were negotiating plea agreements and would not testify until that process was completed.

¶9. (SBU) Ambassador Brownfield said any plea agreements negotiated with the former paramilitaires would include commitments to cooperate with Colombian authorities. The terms of the sentences being discussed so far have ranged from 17 to 35 years, much more than the para leaders would have served in Colombian jails under the JPL. Iguaran stressed that the extraditions were not a GOC "conspiracy" to

silence the paramilitaries, but rather a tool to pressure other paras involved in the process to cooperate. He said the Fiscalia has already seen a positive effect on other participants in terms of cooperation. The extraditions also prevented the para leaders from continuing their illegal activities from Colombian prisons. A/S Kramer offered to help facilitate greater transparency in the process to human rights groups.

IDP DEFINITIONS IN DEBATE, RESPONSE NEEDED REGARDLESS

¶10. (SBU) Local UN High Commission on Refugees (UNHCR) and International Committee of the Red Cross (ICRC) representatives Jean Wetterwald and Christopher Beney discussed the IDP issue. Wetterwald said the number of IDPs remains high at 200-250 thousand new cases a year. He attributed this primarily to Colombian military efforts to regain control of areas previously controlled by the FARC, as well as fighting between new criminal groups in rural areas for control of drug routes, coca fields, etc. Many IDPs are displaced multiple times while others do not register, making it difficult to find accurate numbers year to year. Still, he said overall estimates of IDPs are inflated, since there is no agreed process to determine when an IDP has resettled and should no longer be included in IDP numbers.

¶11. (C) Beney said the ICRC has helped fewer IDPs than in years past, in part because they do not consider those displaced due to violence by new criminal groups (such as Aguilas Negras) to be victims of a conflict. The ICRC also excludes individuals leaving areas subject to coca eradication. These people deserve assistance, but do not meet the ICRC's criteria for IDPs. Vice Defense Minister Sergio Jaramillo said the continuing high IDP numbers are counterintuitive, noting that the FARC is being forced each year into less populated areas, and that the levels of violence by new criminal groups are substantially less than those of paramilitary groups in the past. Wetterwald

stressed that regardless of the definitions used, the number of IDPs remains high and requires a continued strong response by the GOC and international community.

EXTRAJUDICIAL KILLINGS BECOMING CENTRAL TO HUMAN RIGHTS

¶12. (C) Human rights groups and UNHCHR official Jesus Pena said extrajudicial killings by Colombian security forces remain a serious problem. Pena said the UNHCHR works closely with the MOD and the committee set up by Santos to address this issue, and he praised the GOC's political will to resolve this problem. Still, he said that while the GOC and the Jesuit human rights group/think tank CINEP reported lower numbers of alleged killings in the second half of 2007, the UNHCHR did not see that trend replicated in its own figures. Pena noted that the recent "International Observer Mission" report on extrajudicial killings contains much higher numbers than the UNHCHR; his office could not address the accuracy of the report's figures. He said the Observation Mission's numbers also show the number of alleged killings falling from roughly 240 in the first six months of 2007 to 100 in the latter half of the year.

¶13. (U) Santos shared human rights groups' concerns with extrajudicial killings and reviewed MOD efforts to eliminate this problem. The Colombian military has tried to change the paradigm, shifting from a promotion/assignments/benefits system that rewarded "body count" to a system that encourages captures and demobilizations. He said changing the culture of any large institution requires time. Armed Forces Commander Padilla and Vice Minister Jaramillo are visiting each brigade and battalion to stress the importance of this change. Santos said that while killings continue to occur, GOC numbers show a falling trend line. Jaramillo pointed out that Colombia is fighting multiple armed actors under its

ordinary legal system, since Colombia's Constitution only allows for extremely limited states of exception. This complicates the legal framework for armed action, and underscores the need for clear rules of engagement.

¶14. (U) A/S Kramer has cleared on this cable.
BROWNFIELD